



Eich cyf/Your ref
Ein cyf/Our ref ATISN 10230

Llywodraeth Cymru
Welsh Government

26 April 2016

Tom Gallard
request-318128-98f74749@whatdotheyknow.com

Dear Mr Gallard

Complaint in respect of ATISN 10230

I wrote to you on 30 March regarding your complaint. I have conducted an internal review in accordance with the procedure outlined in the [Welsh Government's Practical Guide for Making Requests for Information](#) which is available by post on request, or via the internet.

I have noted the information that you requested in your original request dated 24 February, 2016, and the response that was subsequently issued to you on 23 March, 2016.

In your original request you asked for details of the financial support agreed with Aston Martin to create 750 jobs at St Athan. It was confirmed in our reply dated 23 March that the Welsh Government held information of that description but it was exempt from release under s43 of the FoIA (Commercial interests).

You note in your complaint that It should not be necessary to provide details about Aston Martin's business plan in order to release how much money Welsh Government has agreed to pay them. You also ask whether the correct decision was made in testing whether information was "of interest to the wider public" rather than whether release was in the public interest.



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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Having reviewed the information that the Welsh Government holds, I have concluded that the amount Welsh Government has agreed to pay Aston Martin Lagonda (AML) is exempt from release under s43 of the FoIA (Commercial interests). Further reasoning for applying this exemption is provided below.

The Welsh Government recognises the public interest in openness and transparency that release of this information would engender. Further it is acknowledged that disclosing the information would increase understanding of how public money is used to support businesses in Wales.

However, it's important to note that releases under the FoIA are made to the world. With this in mind, I believe that if this information were placed in the public domain it would place AML at a disadvantage in a competitive market as it would be likely to prejudice their commercial interests. The agreed financial support to AML is based upon qualifying spend and must be justified subject to European Commission rules. Releasing the information would provide the company's competitors with an indication of the company's funding position which in turn would be likely to prejudice their ability to further capitalise its business. Release of the information would also allow potential competitors access to a level of detail that they otherwise wouldn't have so as to enable them to obtain a commercial advantage. AML is a private company that is currently undergoing a complex and sensitive equity raising process, the funding agreed with Welsh Government is part of this process and if were to disclose the figure it would place AML at a commercial disadvantage when in negotiations with other investors. I do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest. This would also be the case if information about any current or future funding plans was released; we are continuing to assess possible future support in an ongoing and potentially long-term relationship between Wales and Aston Martin and the creation of 750 jobs in Wales. There exists a public interest in ensuring that private companies, such as this, which aims to create a significant amount of new jobs for the people of Wales, can do so in the knowledge that its efforts will not be prejudiced by the disclosure of commercially sensitive information. Jeopardising this investment by the release of sensitive commercial information would not be in the public interest.

I am aware that as a general rule, the sensitivity of information is likely to reduce over time, so that the age of the information, or timing of the request may be relevant in determining whether to apply the exemption, or where the public interest may lie. In this case, however, the information captured is very much current information.

I do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest. I believe that the balance of the public interest therefore falls in favour of withholding the information for this exemption.

You have asked if AML were consulted and I can confirm that they were. Finally you ask if information can be provided via redacted documents. Having concluded that details of the financial support agreed (and the amount) with AML to create 750 jobs at St Athan is exempt from release under s43 of the FoIA (Commercial interests). I can confirm that such a document would be so heavily redacted as to be largely meaningless. However, in light of your request, I can confirm that to date AML has not received any grants or financial support from Welsh Government.

I trust the above provides you with a clearer explanation of our position on this matter.

If you remain dissatisfied with the above response regarding your Freedom of Information request, you have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

Dickie Davis
Deputy Director Advanced Materials & Manufacturing